

## **ORDINANCE NO. 1348**

### **AN ORDINANCE IMPLEMENTING THE STANDARD URBAN STORM WATER MITIGATION PLAN OF THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD FOR THE LOS ANGELES REGION BY AMENDING CHAPTER 7 OF TITLE 5 OF THE EL SEGUNDO MUNICIPAL CODE IN ITS ENTIRETY.**

The Council of the City of El Segundo does ordain as follows:

SECTION 1: The City Council finds as follows:

- A. The Federal Water Pollution Control Act (33 U.S.C. §§ 1251-1387; “Clean Water Act” or “CWA”), as implemented by the United States Environmental Protection Agency (“EPA”), requires that the city adopt plans and programs for stormwater quality management;
- B. The 1972 amendments to the CWA prohibit the discharge of any Pollutant to waters of the United States from a point source unless the discharge is authorized by a permit issued pursuant to the National Pollutant Discharge Elimination System (“NPDES”) required by 33 U.S.C. § 1342;
- C. Municipal separate storm sewer systems (“MS4s”) which convey urban runoff, including, without limitation, Storm Water runoff, are within the definition of point sources under the CWA;
- D. Pursuant to the CWA, the EPA defined the term “Municipal separate storm sewer system” to mean a conveyance, or system of conveyances, including roads with drainage systems, municipal streets, curbs, gutters, catch basins, and storm drains owned or operated by a city, used for collecting Storm Water;
- E. CWA § 402(p) requires that the City obtain a permit for Storm Water and urban discharges through the City’s MS4;
- F. Section 402(p) of the CWA further provides that NPDES permits will require controls to reduce the discharge of Pollutants to the maximum extent practicable, including management practices and such other provisions as may be appropriate for the control of Pollutants;
- G. The EPA, in partial implementation of CWA § 402(p) adopted final rules, known as the “Phase I and Phase II Storm Water Regulations” at several places in Parts 9, 122, 123, and 124 of Title 40 of the Code of Federal Regulations (“CFR”);
- H. In partial implementation of § 402(p) of the CWA, 33 U.S.C. § 1344(p), the Phase I Storm Water Regulations and the California Water Code, the

California Regional Regional Water Quality Control Board – Los Angeles (“RWQCB-LA”) issued a National Pollutant Discharge Elimination System (“NPDES”) Permit and Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles, Regional Board Order No. 96-054, NPDES No. CAS614001 (the “1996 Permit”), on July 15, 1996 to each City in Los Angeles County, including the City;

I. Under the 1996 Permit, and in partial implementation of CWA § 402(p), 33 U.S.C. § 1344(p); the Phase I and Phase II Storm Water Regulations; and the California Water Code, the RWQCB-LA Board adopted Resolution No. R-00-02, approving and directing the Executive Officer of the RWQCB-LA to issue a Standard Urban Storm Water Mitigation Plan for Municipal Storm Water And Urban Runoff Management Programs in Los Angeles County setting forth the requirements to be implemented by all jurisdictions discharging storm water under the 1996 Permit,

J. On March 8, 2000, the Executive Officer of the RWQCB-LA issued a Final Approved Standard Urban Storm Water Mitigation Plan For Los Angeles County And Cities In Los Angeles County (the “SUSMP”) setting forth the requirements to be implemented by all jurisdictions discharging storm water under the 1996 Permit,

K. The State Water Resources Control Board, in Order WQ 2000-11, modified the SUSMP by revising the definition of “Redevelopment,” excluding Retail Gasoline Outlets from certain design standards, deleting the applicability of the SUSMP to “Environmentally Sensitive Areas,” limiting the applicability of the SUSMPs to discretionary development and redevelopment in specified categories, applying the SUSMPs to Redevelopment projects only if they result in creation or addition of 5,000 square feet or more of impervious surfaces, deleting the requirement for funding by project proponents who receive waivers, and extended the SUSMP effective date deadline to February 15, 2001;

L. In partial implementation of CWA § 402(p), the Phase I and Phase II Storm Water Regulations and the California Water Code, RWQCB-LA issued “Order No. 01-182 NPDES Permit No Cas004001 Waste Discharge Requirements For Municipal Storm Water And Urban Runoff Discharges Within The County Of Los Angeles And The Incorporated Cities Therein, Except The City Of Long Beach” (the “2001 Permit”) on December 13, 2001, to cities in Los Angeles County, including the City;

M. The 2001 Permit revised the SUSMPS to again revise the definition of “Redevelopment,” to restore the applicability of the SUSMPS to Retail Gasoline Outlets, to restore the applicability of the SUSMP to “Environmentally Sensitive Areas,” to delete the limitation of the applicability of the SUSMPs to discretionary development and redevelopment and apply the SUSMPS to all

project approvals in specified categories, and extended the deadline for the effective date of ordinances implementing the SUSMP to September 2, 2002;

N. The City of El Segundo is a permittee under the 2001 Permit and therefore is required by federal and state law to implement all requirements of the 2001 Permit, including the SUSMP, as amended by the 2001 Permit;

O. Under the California Constitution and the California Government Code, the City of El Segundo has authority to define public nuisances and to protect the public health and safety of the residents of and visitors to the City of El Segundo, and the environment, by abating public nuisances;

P. The City of El Segundo has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions, and limitations with respect to any activity which might degrade the quality of waters of the state;

Q. The City Council is obligated to take prudent steps to protect the City's property and its funds and taxpayers from exposure to liability, including the potentially enormous costs of litigation regarding natural resources allegedly damaged by pollutants allegedly transported through the City's storm drain system;

R. The implementation of Pollutant control measures described in the Stormwater Quality Management Plan in furtherance of these purposes is exempt from the provisions of the California Environmental Quality Act (CEQA); Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code as provided in categorical exemption classes 1, 4, 5, 7, 8, 9, and 21 of the CEQA Guidelines (Title 14, California Code of Regulation §§ 15301-15329); and

S. The City Council has carefully considered the Ordinance and finds that it complies with the requirements of applicable federal and state law, and further that it provides an acceptable program for the conservation of water resources within the City of El Segundo and protection of the health, safety, and general welfare of its citizens.

SECTION 2: Chapter 7 to Title 5 of the El Segundo Municipal Code ("ESMC") is amended in its entirety to read as follows:

## **"CHAPTER 7**

### **STANDARD URBAN STORM WATER MITIGATION PLAN IMPLEMENTATION**

**5-7-10: PURPOSE AND INTENT.**

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- 5-7-140: LOADING DOCKS.**
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- 5-7-210: ENFORCEMENT.**
- 5-7-220: INSPECTIONS.**
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- 5-7-240: REQUEST FOR WAIVER.**
- 5-7-250: WAIVER BY CITY COUNCIL.**

5-7-10: **PURPOSE AND INTENT.** This chapter is adopted pursuant to the city's police powers for the purpose of protecting and enhancing the water quality of the City's watercourses, water bodies, and wetlands in a manner consistent with the Clean Water Act and the NPDES Permit, including, without limitation, any of its amendments or modifications. In addition, this chapter is intended to ensure the future health, safety, and general welfare of the citizens of the City of El Segundo by:

- A. Controlling non-storm water discharges to the storm drain system.
- B. Eliminating discharges to the storm water drain system from spills, dumping, or disposal of materials other than storm water.

C. Reducing pollutants in storm water discharges, including those pollutants taken up by storm water as it flows over urban areas, to the maximum extent practicable.

D. Reducing pollutants in storm water discharges in order to achieve applicable water quality objectives for surface waters in Los Angeles County.

**5-7-20:LIMITS OF CHAPTER.** Nothing in this Chapter will be interpreted to:

A. Infringe any right or power guaranteed by the United States or California Constitutions, including any vested property right;

B. Require any action inconsistent with the General Plan, any applicable Specific Plan, vesting tentative map, or other provision of this Code;

C. Restrict otherwise lawful land use except as authorized by the laws of California, subject to the limitations of this Chapter.

**5-7-30:SCOPE OF CHAPTER.**

A. This Chapter will take effect on September 2, 2002, and will apply to ministerial and discretionary approvals of the following New Development or Redevelopment projects:

1. Single-family residences on graded Hillside sites;
2. One hundred thousand (100,000) square foot Industrial/Commercial Developments;
3. Automotive Service Facilities (SIC codes 5013, 5014, 5541, 7532-7534, 7536-7539);
4. Retail Gasoline Outlets;
5. Restaurants (SIC code 5812);
6. Home subdivisions of ten (10) or more dwelling units;
7. Parking Lots 5,000 square feet or more or with twenty-five (25) or more parking spaces and potentially exposed to storm water runoff.
8. All projects in, Directly Adjacent to or discharging storm water directly to an Environmentally Sensitive Area if the development would create 2,500 or more square feet of impervious

area and would discharge storm water or urban runoff likely to impact a sensitive biological species or habitat.

- B. Each of the foregoing projects will meet the requirements of this Chapter, the Standard Urban Storm Water Mitigation Plan and the provisions of any applicable municipal storm water permit issued by the Regional Water Quality Control Board for the Los Angeles Region.

5-7-40: **DEFINITIONS.** Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter will have the meanings stated the NPDES Permit and if not described therein, the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.); the Standard Urban Storm Water Mitigation Plan For Los Angeles County and Cities In Los Angeles County approved by the Executive Officer of the California Regional Water Quality Control Board for the Los Angeles Region, on March 8, 2000, as modified by the State Water Resources Control Board in Order WQ 2000-11; regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act § 402; California Water Code § 13050; and any successor statutes or regulations.

- A. “100,000 square foot Industrial/Commercial Facility” means “any Development or Redevelopment of an Industrial/Commercial Facility that creates at least 100,000 square feet of impermeable area, including, without limitation parking areas.

- B. “Automotive Service Facility” means a facility that is in any one of the following SIC codes: 5013, 5014, 5541, 7532-7534 or 7536-7539.

- C. “Best Management Practice” (“BMP”) means “any schedule of activities, prohibition of practices, maintenance procedure, program, technology, process, siting criteria, operational methods of measures, or other management practices or engineered systems, which when implemented prevent, control, remove, or reduce pollution. BMPs include structural and nonstructural controls and operation and maintenance procedures which can be applied before, during and after pollution-producing activities.

- D. “Commercial Development” means any development on private land that is not residential or a site of an industrial activity as defined in 40 C.F.R. § 122.26(b)(14). “Commercial Development” includes, without limitation, hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes not within the scope of 40 C.F.R. § 122.26(b)(14).

E. “Construction” means constructing, clearing, grading, or excavation that results in soil disturbance. Construction also includes structure demolition. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of a facility; emergency construction activities required immediately to protect public health and safety; interior remodeling with no outside exposure of construction material or construction waste to storm water; mechanical permit work; or sign permit work.

F. “Development” means any Construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other non-residential projects, including public agency projects; or mass grading for future construction (see Public Resources Code § 30106). It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of a facility, nor does it include emergency construction activities required to protect immediately public health and safety.

G. “Directly Adjacent to an Environmentally Sensitive Area” means any parcel or part of any parcel within 200 feet of the contiguous zone required for continued maintenance, function, or structural stability of an Environmentally Sensitive Area.

H. “Disturbed Area” means an area that is altered as a result of clearing, grading, and/or excavation.

I. “Environmentally Sensitive Area” means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be disturbed or degraded by human activities and developments (see Public Resources Code § 30107.5). Areas subject to storm water mitigation requirements are: any area designated as Significant Ecological Areas by the County of Los Angeles (*Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976)* and amendments); any area designated as a Significant Natural Area by the California Department of Fish and Game’s Significant Natural Areas Program, provided that the area has been field verified by the Department of Fish and Game; any area listed in a Basin Plan as supporting the “Rare, Threatened, or Endangered Species (RARE)” beneficial use; and any area identified by the City as environmentally sensitive.

J. “Hazardous Materials” means any materials, wastes or mixture of wastes defined as a “Hazardous Substance” or “Hazardous Waste” pursuant to the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6901 *et seq.*, the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. §§ 9601 *et seq.*,

or the Carpenter-Presley-Tanner Hazardous Substance Account Act, (“HSAA”), California Health and Safety Code §§ 25300, *et seq.*, and all future amendments to any of them, or as defined by the California Integrated Waste Management Board. Where there is a conflict in the definitions employed by two or more agencies having jurisdiction over hazardous or solid waste, the term “Hazardous Waste” will be construed to have the broader, more encompassing definition.

K. “Hillside” means a parcel in an area with known erosive soil conditions, where the development will require grading on any natural slope which is twenty-five per cent (25%) or greater and where grading will result in cut or filled slopes.

L. “Industrial/Commercial Facility” means any facility which is the site of the production, manufacture, storage, transportation, distribution, exchange or sale of goods or commodities, and any facility involved or used in providing professional and non-professional services. This category of facilities includes, without limitation, any facility defined by the SIC. Facility ownership (federal, state, municipal, private) and profit motive of the owner or operator of the facility are not factors in this definition.

M. “New Development” means the subdivision of land, or the construction of structures, or other impervious surfaces, or both.

N. “NPDES Permit” means the municipal discharge permit(s) issued pursuant to Order No. 01-182 NPDES Permit No. CAS004001 entitled “Waste Discharge Requirements For Municipal Storm Water And Urban Runoff Discharges Within the County of Los Angeles and the Incorporated Cities therein, Except the City Of Long Beach,” or other applicable NPDES permits.

O. “Parking Lot” means an area or facility for the temporary parking or storage of motor vehicles used personally or for business or commerce, which contains 5,000 square feet, or more, or twenty-five (25) or more parking spaces, and which is exposed to storm water.

P. “Redevelopment” means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Redevelopment includes, without limitation: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.



Q. “Restaurant” means a facility where prepared food and beverages are sold for consumption, including stationary lunch counters and refreshment stands selling prepared food and beverages for immediate consumption (see SIC Code 5812). Restaurant does not include co-located stalls or food counters in general purpose establishments such as markets and grocery stores.

R. “Retail Gasoline Outlet” means any facility with 5,000 or more square feet of impervious surface and projected Average Daily Traffic of 100 or more vehicles, where gasoline and lubricating oils are sold.

S. “SIC” means Standard Industrial Classification.

T. “Significant Ecological Area” or “SEA” means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan or the City’s General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of a rare, endangered or threatened plant or animal species;
2. Biotic communities, vegetative associations, and habitats of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis;
3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either unique or are restricted in distribution in Los Angeles County;
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and which is limited in availability either regionally or within Los Angeles County;
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent in unusual variation in a population or community;
6. An area important as game species habitat or as fisheries;
7. An area that provides for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County;
8. Special areas; or

9. A Significant Natural Area.

U. “Significant Natural Area” or “SNA” means an area defined by the California Department of Fish and Game (DFG), Significant Natural Areas Program, as an area that contains an important example of California biological diversity. (The most current SNA maps, reports, and descriptions can be downloaded from the DFG website at <ftp://maphost.dfg.ca.gov/outgoing/whdab/sna/>). These areas are identified using the following biological criteria only, irrespective of any administrative or jurisdictional considerations:

1. Areas supporting extremely rare species or habitats;
2. Areas supporting associations or concentrations of rare species or habitats; and
3. Areas exhibiting the best examples of rare species and habitats in the state.

V. “Source Control Best Management Practice” or “Source Control BMP” means any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to prevent storm water pollution by reducing the potential for contamination at the source of pollution.

W. “Storm Event” means a rainfall event that produces more than 0.1 inch of precipitation separated from the previous storm event by at least 72 hours of dry weather.

X. “Storm Water Discharge Associated with Industrial Activity” means industrial discharge as defined in 40 CFR § 122.26(b)(14).

Y. “Structural Best Management Practice” or “Structural BMP” means any structural facility designed and constructed to mitigate the adverse impacts of urban runoff pollution (e.g., a canopy, structural enclosure). This category may include both Treatment Control BMPs and Source Control BMPs.

Z. “Standard Urban Storm Water Mitigation Plan” or “SUSMP” means the Los Angeles Countywide Standard Urban Storm Water Mitigation Plan” adopted by the Regional Water Quality Control Board for the Los Angeles Region by Resolution No. R-00-02, approving and directing the Executive Officer of the RWQCB-LA to issue a Standard Urban Storm Water Mitigation Plan for Municipal Storm Water And Urban Runoff Management Programs in Los Angeles County, as modified by the State Water Resources Control Board in Order WQ 2001-11, and as further modified and reaffirmed by the California Regional Water Quality Control Board for the Los Angeles Region, in the NPDES Permit.

AA. “Ten or More Unit Home Subdivision” means any subdivision where at least ten (10) single-family or multi-family dwelling units are to be developed.

BB. “Treatment” means the use of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to filtration, gravity settling, media absorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

CC. “Treatment Control Best Management Practice” or “Treatment Control BMP” means any engineered system designed to remove pollutants by simple gravity setting of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

**5-7-50:RATE OF DISCHARGE.** No New Development will increase the peak rate of discharge of storm water from the developed site if this increase would make downstream erosion more probable.

**5-7-60:SUBDIVISION DESIGN.** Unless inconsistent with vested rights, the site design for all New Development subject to this Chapter, to the maximum extent practicable, will:

- A. Concentrate or cluster New Development on portions of the site while leaving the remaining land in a natural undisturbed condition;
- B. Limit clearing and grading of native vegetation to the minimum extent practicable, consistent with the construction of lots, and to allow access and provide fire protection;
- C. Preserve riparian areas and wetlands.

**5-7-70:BEST MANAGEMENT PRACTICES (BMP).**

A. On the date this Chapter takes effect, those Best Management Practices which are listed in Tables 1 and 2 of the Standard Urban Storm Water Mitigation Plan will be deemed to be incorporated by reference and adopted by this City and will remain in effect until the City Council adopt by resolution a “BMP Guidebook” prepared or recommended by the Director of Public Works (the “Director”), categorizing development and Best Management Practices for each category.

B. The Director may from time to time revise the BMP Guidebook, and the City Council may adopt these revisions by resolution.

C. No Best Management Practice other than a Structural or Treatment Control Best Management Practice will be used in New Development or

Redevelopment regulated under this Chapter, unless listed in the SUSMP or the BMP Guidebook.

D. No Structural or Treatment Control Best Management Practice may be used in New Development or Redevelopment regulated under this Chapter unless listed in the SUSMP or the BMP Guidebook.

**5-7-80:CONTROL OF EROSION OF SLOPES AND CHANNELS.** Best Management Practices used on slopes or channels in New Development or Redevelopment subject to this Chapter will:

- A. Convey runoff from tops of slopes;
- B. Eliminate or reduce flow to natural drainage systems, and for flows which cannot be eliminated, utilize natural drainage systems, rather than artificial drainage systems, to the maximum extent practicable;
- C. Stabilize soil at permanent channel crossings;
- D. Vegetate slopes with native or drought tolerant species known to control erosion; and
- E. Dissipate concentrated flows before they enter unlined channels.

**5-7-90:SIGNAGE AT STORM DRAINS.** In the project area of New Development or Redevelopment subject to this Chapter, a notice that dumping in storm drains and catch basins is illegal will be:

- A. Stenciled in paint or other permanent means at all storm drain inlets and catch basins within the project area;
- B. Posted at all known public accesses to natural or artificial drainage channels within the project area; and
- C. Maintained to preserve the sign.

**5-7-100: OUTDOOR STORAGE OF MATERIALS.**

- A. All materials stored outdoors in New Development or Redevelopment subject to this Chapter which, if exposed to storm water, reasonably may be expected to add pollutants to storm water, will be isolated from contact with storm water by:
  - 1. Enclosure in a structure; or
  - 2. By a surrounding curb or other containment structure.
- B. The storage area for materials referred to above must be covered completely:

1. By impermeable paving, or
2. An overhead covering that adequately diverts precipitation away from the ground between the material and the surrounding containment structure.

5-7-110: **OUTDOOR TRASH STORAGE AREAS.** Except where they serve only single-family residences, solid waste containers in New Development or Redevelopment subject to this Chapter will be placed between collections in areas that:

- A. Are isolated from contact with storm water flows originating outside the storage area, and
- B. Are surrounded with a barrier sufficient to prevent all trash from being transported out of the storage area, except during collection.

5-7-120: **MAINTENANCE OF BEST MANAGEMENT PRACTICES.**

- A. Every person applying to the City for approval of any New Development or Redevelopment subject to this Chapter, as part of that application, will agree in writing to maintain any Structural or Treatment Control Best Management Practice to be implemented in that development through means such as a covenant running with the land such as covenants, conditions and restriction, (commonly known as CC&Rs), mitigation measures under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*), a Conditional Use Permit, enforceable conditions of approval, or other legal agreement (collectively “Agreement”).
- B. The Agreement described in this section will remain in force until ownership of the developed property is transferred, and upon transfer, will be binding on the new owner(s).

5-7-130: **DESIGN STANDARDS FOR BEST MANAGEMENT PRACTICES.** Except as this Chapter may specifically exempt, every Best Management Practice required to be implemented pursuant to this Chapter in New Development or Redevelopment for the area contributing to that practice:

- A. Will be adequate to protect from flooding those parts of the contributing area adjacent to drainage channels, according to design criteria the City may establish;
- B. Will be adequate
  1. For the volume of storm water that, as determined by the formula recommended in “ASCE Manual of Practice No.87 (1998),” may be collected from the contributing area during a 24-

hour period in which the total storm water runoff exceeds 85% of all runoff volumes that have been measured for 24-hour periods for that same area; or

2. To treat, by the method recommended in “California Storm Water Best Management Practices Handbook—Industrial/Commercial (1993),” 80% or more volume treatment of the annual volume of storm water runoff from the contributing area or

3. For the volume of storm water runoff from the contributing area produced by a storm event of 0.75 inches.

C. Subsection (B) of this section will not apply to any Development or Redevelopment of less than 5,000 square feet for use by a Restaurant, or a Retail Gasoline Outlet with less than 5,000 square feet of impervious surface area or projected Average Daily Traffic of less than 100 vehicles.

D. Where Redevelopment results in an increase of less than fifty percent (50%) of the impervious surfaces of a previously existing development, and the existing development was not subject to these SUSMPs, the design standards of this section will apply only to the addition, and not to the entire development.

5-7-140: **LOADING DOCKS.** In any 100,000 square foot Industrial/Commercial Facility or in any Automotive Service Facility, in New Development or Redevelopment subject to this Chapter the design of any outdoor loading dock area will:

A. Use an overhead covering that prevents the entry of storm water; or

B. Prevent the entry of storm water by diverting it away; and

C. Not conduct storm water from any truck well directly into a storm drain system.

5-7-150: **REPAIR AND MAINTENANCE BAYS.** In any 100,000 square foot Industrial/Commercial Facility or in any Automotive Service Facility, in New Development or Redevelopment subject to this Chapter repair or maintenance bays will:

A. Prevent the entry of storm water by diverting it away or by locating such bays indoors; and

B. Use a drainage system that collects all water from washing and from leaks or spills and stores the water in a sump for disposal; and

- C. Does not conduct storm water from the bay directly to a storm drain system.

5-7-160: **WASH AREAS.** Each wash area for motor vehicles or equipment in any New Development or Redevelopment subject to this Chapter will use:

- A. An adequate overhead covering; and
- B. A device that clarifies or otherwise pre-treats all wash water; and
- C. A drain conducting all treated wash water to a sanitary sewer.

5-7-170: **RESTAURANTS.** Each Restaurant in any New Development or Redevelopment subject to this Chapter will include an area for the washing or cleaning of equipment, which:

- A. If indoors, will
  - 1. Be self-contained;
  - 2. Use a grease trap; and
  - 3. Use a drain conducting all waste water to a sanitary sewer.
- B. If outdoors, will
  - 1. Use an overhead covering adequate to prevent contact with storm water;
  - 2. Be covered with impermeable paving;
  - 3. Be surrounded by a curb or other containment; and
  - 4. Use a drain conducting all waste water to a sanitary sewer.

5-7-180: **RETAIL GASOLINE OUTLETS.** All fuel dispensing areas in any Retail Gasoline Outlet subject to this Chapter will:

- A. Be covered by a structure that
  - 1. Extends outward at least as far as the grade break at all points; and
  - 2. Diverts all storm water away from the fueling area.
- B. Be paved with a material, other than asphaltic concrete, that is impermeable to water and has a smooth surface with a slope of not less than two per cent (2%) but not more than four per cent (4%);

- C. Be separated from the rest of the site by a grade break that, to the maximum extent practical, prevents storm water from entering the fueling area;
- D. Extend outward at least six and one-half feet (6.5') from the outermost corner of any fuel dispenser, or a distance one foot (1') greater than the combined length of the dispensing hose and nozzle, whichever distance is less;

5-7-190: **PARKING LOTS.** Owners and operators of Parking Lots in any New Development or Redevelopment subject to this chapter will minimize offsite transport of pollutants to the maximum extent practical by using the following BMPs:

- A. Minimize impervious land coverage;
- B. Provide effective treatment or infiltration of storm water before it is discharged into storm drains; and
- C. Use operational and maintenance measures to remove heavy metals, oil and grease and polycyclic aromatic hydrocarbons.

5-7-200: **SITE-SPECIFIC MITIGATION REQUIREMENTS FOR NEW DEVELOPMENT AND REDEVELOPMENT WITH POTENTIAL ADVERSE IMPACTS ON POST-DEVELOPMENT STORM WATER QUALITY.** On and after the effective date of this Chapter, all projects for Development or Redevelopment not requiring a SUSMP which have the potential to have adverse impacts on post-development storm water flows from the site, will include the submission of a site-specific plan adequate to mitigate post development storm water quality if the project has any one or more of the following characteristics:

- A. A vehicle or equipment fueling area;
- B. A vehicle or equipment maintenance area, including washing and repair;
- C. Any commercial or industrial waste handling or storage area;
- D. An area for outdoor handling or storage of Hazardous Materials, as defined in this Chapter;
- E. An outdoor manufacturing area;
- F. An area where outdoor food handling or processing occurs;
- G. An area where outdoor animal care, confinement or slaughter occurs, or



H. An area of outdoor horticultural activity.

5-7-210: **ENFORCEMENT.**

A. Violation of any provision of this Chapter will be both a misdemeanor and a public nuisance.

B. The remedies specified in this Chapter will not exclude any other legal remedy that may be available to the City.

5-7-220: **INSPECTIONS.**

A. The Director of Public Works and such officers as the Director may designate will enforce the provisions of this Chapter.

B. As necessary, these officers may, at a reasonable time and in a manner authorized by the laws of California, enter and make inspections on any property regulated under this Chapter.

5-7-230: **FEES.** The City Council may establish and fix the amount of fees for services provided under this Chapter, as authorized under Government Code §§ 66016 and 66018.

5-7-240: **REQUEST FOR WAIVER.** Any person required under this Chapter to implement a Structural or Treatment Control Best Management Practice may petition to the City Council to waive that requirement as impractical, provided the petitioner has in good faith considered and rejected as not feasible all such practices available.

5-7-250: **WAIVER BY CITY COUNCIL.** The City Council may waive a Structural or Treatment Control Best Management Practice as impractical if the City Council finds that:

- A. Inadequate space for treatment exists on a Redevelopment project; or
- B. Soil conditions strongly disfavor the use of infiltration; or
- C. The natural land surface where the BMP would be located lies:
  - 1. Above a known unconfined aquifer; or
  - 2. Less than ten (10) feet above an existing or potential source of drinking water.
- D. Any petition for waiver not falling within the foregoing categories will be forwarded to the Regional Board for consideration.”

SECTION 3: Repeal of any provision of the ESMC will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 4: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 5: This Ordinance will become effective thirty (30) days following its passage and adoption.

SECTION 6: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Mike Gordon, Mayor

**ATTEST:**

STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES     )     SS  
CITY OF EL SEGUNDO     )

I, Cindy Mortesen, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. \_\_\_\_\_ was duly introduced by said City Council at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2002, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2002, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Cindy Mortesen, City Clerk

APPROVED AS TO FORM:  
Mark D. Hensley, City Attorney

By: 

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Karl H. Berger  
Assistant City Attorney